

REMARKS:

Claims 1-5 are presented for examination, with claims 1-5 having been amended hereby.

Reconsideration is respectfully requested of the rejection of claims 1 and 2 under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,823,529 ("Dako") in view of U.S. Patent No. 5,530,966 ("West").

It is respectfully submitted that applicants do not necessarily concur with the Examiner with regard to the results of the Examiner's analysis of claims 1 and 2 of the present application and the Dako and West disclosures.

Nevertheless, in order to expedite prosecution of the application, claim 1 has been amended hereby to more particularly point out the feature of the invention directed to the shoulder straps being at least partially hidden within the outershell shoulder area.

Of note, this feature of the straps being at least partially hidden within the outershell shoulder (as shown, for example, in Figs. 6 and 7) may aid in creating a safe and efficient system which eliminates or reduces the possibility of having the shoulder straps become entangled on an item.

It is believed that neither Dako nor West (alone or in combination) show or suggest this claimed feature.

In this regard, it is noted with reference to Dako that the Figs. clearly show shoulder straps 5a and 5b as being exposed, that is not being hidden within any outershell (see, in particular, Figs. 3, 4 and 5 - showing exposed straps 5a and 5b on the person wearing the device).

Likewise, it is respectfully submitted that West fails to show such shoulder straps being at least partially hidden within the outershell.

Moreover, it is respectfully noted that West does not relate to body armor for protecting a user from penetration. Rather, as seen from the title of West and from col. 1, lines 12-16, West is in fact directed to a "protective garment for baseball umpires".

Finally, it is noted that claim 2 depends from independent claim 1. Thus, while applicants do not necessarily concur with the Examiner with regard to the results of the Examiner's analysis of this claim 2 and the Dako and West disclosures, it is respectfully submitted that this dependent claim is patentably distinct for at least the same reasons as the independent claim from which it depends (applicants of course retain the right to assert patentability of one or more features of this claim at a later date).

Therefore, it is respectfully submitted that the rejection of claims 1 and 2 under 35 U.S.C. 103(a) as being unpatentable over Dako in view of West has been overcome.

Reconsideration is respectfully requested of the rejection of claims 3-5 under 35 U.S.C. 103(a) as being unpatentable over Dako in view of West and further in view of U.S. Patent No. 6,185,738 ("Sidebottom").

In this regard, it is noted that each of claims 3-5 depends, directly or indirectly, from independent claim 1. Thus, while applicants do not necessarily concur with the Examiner with regard to the results of the Examiner's analysis of these claims 3-5 and the Dako, West and Sidebottom disclosures, it is respectfully submitted that each of these dependent claims is patentably distinct for at least the same reasons as the independent claim from which it depends (applicants of course retain the right to assert patentability of one or more features of these claims at a later date).

Therefore, it is respectfully submitted that the rejection of claims 3-5 under 35 U.S.C. 103(a) as being unpatentable over Dako in view of West and further in view of Sidebottom has been overcome.

Accordingly, it is respectfully submitted that each rejection raised by the Examiner in the December 9, 2004 Office Action has been overcome and that the above-identified application is now in condition for allowance.

Finally, it is noted that this Amendment is fully supported by the originally filed application and thus, no new matter has been added. For this reason, the Amendment should be entered.

More particularly, support for the amendments to the claims is found in the claims, as filed; at page 2, line 26 to page 3, line 5, as filed; in Figs. 5-7, as filed; and throughout the specification.

Favorable reconsideration is earnestly solicited.

Respectfully submitted,
GREENBERG TRAURIG

By: 

Matthew B. Tropper
Registration No. 37,457

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Mailing Address:
GREENBERG TRAURIG
MetLife Building
200 Park Avenue
New York, NY 10166
(212) 801-2100
Facsimile: (212) 688-2449